

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD J. MLEZIVA, D.V.M.,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 00000338

[Division of Enforcement Case # 06 VET 049]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Richard J. Mleziva, D.V.M.
P.O. Box 155
Denmark, WI 54208

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Veterinary Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Veterinary Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard J. Mleziva, D.V.M., (D.O.B.: May 28, 1957) is duly licensed as a veterinarian in the state of Wisconsin (license # 2258-50). This license was first granted on June 17, 1987.

2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 155, Denmark, Wisconsin 54208.

3. At all times relevant to this action, Respondent was working as a veterinarian at Northeast Wisconsin Veterinary Service in Denmark, Wisconsin.

4. On August 24, 2006, an approximately 3 year-old mini Schnauzer ("Porsche") owned by Patricia and Joe Mikulsky was presented to Respondent with a chief complaint of rear leg lameness. Laboratory tests were offered to the owners but declined due to cost. The Respondent administered Depomedrol (anti-inflammatory) and Vedagene (nonsteroidal anti-inflammatory drug, hereinafter "NSAID"). He provided the owners Rimadyl (NSAID) to take home.

5. Respondent's veterinary record for the August 24, 2006 visit does not contain a history, a temperature, a pulse rate, a respiration rate or the route of administration of the medication prescribed. The only physical examination finding noted is rear leg lameness.

6. In the days that followed, Porsche became lethargic, vomited several times and became inappetant.

7. On August 31, 2006, Porsche was presented to the Respondent again. The Respondent performed a hemogram which indicated an elevation in her white blood cell count. The blood was too hemolyzed to run a chemistry screen, but the Respondent failed to recommend that a repeat sample be drawn and run again. The Respondent noted suspected pancreatitis in his records and prescribed Baytril.

8. Respondent's record for the August 31, 2006 visit does not contain a history, temperature, pulse or respiration rate. In addition, the only physical exam finding recorded was "abdomen palpable w/o pain."

9. In the days that followed, Porsche continued to be inappetant.

10. On September 4, 2006, Porsche was presented to the Respondent. Respondent administered Baytril and Banamine (NSAID) and placed Porsche on a Hi-Cal supplement. He recommended that the owners continue oral Baytril.

11. Respondent's record for the September 4, 2006 does not contain a history, pulse or respiration rate. The only physical exam findings documented by Respondent were the temperature and "lethargy".

12. On September 5, 2006, Porsche was presented to the Respondent with no improvement in her condition. Respondent administered penicillin, Dexasone and Rally AH (anti-histamine). Panmycin drops were prescribed.

13. The Respondent's record for the September 5, 2006 visit does not contain a history, pulse or respiration rate. The only physical exam findings documented by Respondent were "no palpable pain" and "jumped in car by self at pickup."

14. On September 6, 2006, Porsche was presented to the Respondent with no improvement. The Respondent gave Porsche a penicillin injection and phenylbutazone (NSAID).

15. The Respondent's record for September 6, 2006 does not contain a temperature, pulse or respiration rate and does not contain any physical exam findings.

16. The owners took Porsche to Allouez Animal Hospital that same day and presented her to Becky Krull, DVM. At that time, Porsche had a temperature of 98.2, a pulse rate of 88 beats per minute and a respiratory rate of 24 breaths per minute. Dr. Krull noted that Porsche was lethargic and her mucous membranes were pink and tacky. Dr. Krull recommended that the dog be taken to the Green Bay Animal Emergency Center, but the owners declined and elected to have blood work and supportive care for Porsche. The blood testing revealed leukophilia due to neutrophilia, hyperalbuminemia, azotemia (BUN and creatinine), hyperphosphotemia, and hyperglycemia. Dr. Krull's differential diagnosis was as follows: stress, inflammation, infection, pre- and renal azotemia and dehydration. She believed that the renal failure was most likely due to NSAID toxicity as well as a gastrointestinal ulcer due to NSAID and steroidal combinations.

17. Porsche remained at the Allouez Animal Hospital for the next two days receiving supportive therapy. Her condition continued to decline. On September 8, 2006, she vomited again and it appeared dark brown, possibly containing blood. Blood testing on that date revealed that Porsche was anemic and had persistent azotemia (BUN and creatinine), hypoproteinemia and hypoglobunemia. Her respirations increased to 80 breaths per minute and she appeared to be quite uncomfortable. Dr. Krull discussed Porsche's prognosis with the owners who elected to euthanize Porsche on that date.

18. Respondent's conduct in providing care and treatment to Porsche failed to meet the minimum standards of acceptable veterinary practice and evidence a lack of knowledge or the ability to apply professional principles and skills in the following manner:

- a. The Respondent did not recommend a repeat blood sample be drawn and run at the first available opportunity after the initial chemistry screen taken on August 31, 2006, could not be run due to hemolysis.
- b. The Respondent administered the steroid medication Dexasone on September 5, 2006 after Porsche's blood test on August 31, 2006 revealed an elevated white blood cell count.
- c. The Respondent failed to use other NSAID medications on September 4, 2006 before using Banamine.
- d. The Respondent failed to appropriately treat his initial diagnosis of pancreatitis in that he did not complete the chemistry screen he ordered on August 31, 2006 and did not attempt other diagnostic tests such as ultrasound, biopsies or x-rays to diagnose the pancreatitis.
- e. The Respondent used steroids to treat pancreatitis which is not an appropriate medication for that diagnosis.

19. Respondent's records for the dates of August 24, August 31, September 4, September 5, and September 6, 2006 visits did not contain the information required under Wis. Admin. Code § VE 7.03.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 453.07(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct as set out in paragraphs 4 through 15 above, constitutes a violation of Wis. Admin. Code § VE 7.06(1) and he is therefore subject to discipline pursuant to Wis. Stat. § 453.07(1)(f).

3. Respondent's conduct as set forth in paragraphs 4 through 15 above, constitutes a violation of Wis. Admin. Code § VE 7.06 (15) and he is therefore subject to discipline pursuant to Wis. Stat. § 453.07(1) (f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent, Richard J. Mleziva, D.V.M., is REPRIMANDED for the above conduct.

IT IS FURTHER ORDERED that:

2. Respondent shall, within nine (9) months from the date of this Order, successfully complete the record keeping course through the Wisconsin Veterinary Medical Association and successfully complete the following courses (one hour each) at the Central Veterinary Conference in Kansas City, Missouri in August of 2010: 1) Diagnostic approach to chronic vomiting in dogs and cats (Part 1); 2) Diagnostic approach to chronic vomiting in dogs and cats (Part 2); 3) Helicobacter gastritis: Does it cause chronic vomiting?; 4) Acute pancreatitis in dogs: A diagnostic and therapeutic update.; 5) Glucocorticoids and shock: What are we doing now?; 6) NSAIDS, anesthesia, and the kidneys: What they are not telling you; 7) NSAIDS and the kidney and liver; 8) Understanding Pharmacokinetics in clinical setting; and 9) Practical review of drug interactions. The course(s) attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.

3. All costs of the educational programs shall be the responsibility of the Respondent.

4. Within thirty (30) days following completion of the course(s) identified in paragraph 2 above, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying his attendance at the required courses.

5. Respondent shall, within 90 days of the date of this Order pay costs of this proceeding in the amount of SEVEN HUNDRED (\$700.00) dollars. Payment shall be made to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs or fails to comply with the ordered continuing education as set forth above, the Respondent's license (# 2258-50) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

7. This Order is effective on the date of its signing.

Wisconsin Veterinary Examining Board

By:

Martina Greer DM
A Member of the Board

Date

8/4/10